

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CARINA CRUZ, :  
Plaintiff, :  
: 19 Civ. 11836 (LGS)  
-against- :  
: ORDER  
32BJ SEIU, et al., :  
Defendants. :  
----- X  
LORNA C. SCHOFIELD, District Judge

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on June 30, 2020, Plaintiff filed a Second Amended Complaint (Dkt. No. 49);

WHEREAS, on July 9, 2020, Defendant 32BJ SEIU filed a pre-motion letter seeking to move to dismiss the Second Amended Complaint (Dkt. No. 55);

WHEREAS, on July 10, 2020, the Court directed Plaintiff to file any letter response by July 23, 2020 (Dkt. no. 57). No briefing schedule for the proposed motion to dismiss was set;

WHEREAS, on July 13, 2020, Defendant 32BJ SEIU filed a motion to dismiss (Dkt. No. 60);

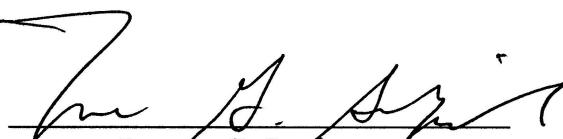
WHEREAS, Defendant ABM Industries has not been served, appeared or defaulted. It is  
hereby

**ORDERED** that the motion to dismiss at Dkt. No. 60 is **DENIED** without prejudice to renew after a briefing schedule has been set by the Court, pursuant to this Court's Individual Rule III.C.2. The parties are advised that a briefing schedule for a motion to dismiss will be set after Defendant ABM Industries appears or defaults, in the interest of efficiency in the event Defendant ABM Industries intends to move to dismiss. It is further

**ORDERED** that Defendant SEIU shall serve this Order on Plaintiff and file proof of such service by July 16, 2020.

The Clerk of Court is respectfully requested to close the motion at Dkt. No. 60.

Dated: July 14, 2020  
New York, New York

  
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**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**